

Baerz

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL CASUALTY COMPANY,

Plaintiff

v.

ROBERT G. PEGG and PEGG & PEGG, LLP.,
POLLY PRATT GREEN O'DONOGHUE, ARDEN
MOULTON, TRACEY WHITNEY, ANTHONY
MOULTON, JR., TRACEY MOULTON, WADE
WHITNEY, DEVON WHITNEY, EDWARD WHITNEY,
THE POLLY PRATT GREEN TRUST f/b/o ARDEN
MOULTON, THE POLLY PRATT GREEN TRUST f/b/o
TRACEY WHITNEY, THE POLLY PRATT GREEN
MARITAL DEDUCTION TRUST, THE POLLY PRATT
GREEN O'DONOGHUE LIVING TRUST, THE
POLLY PRATT GREEN O'DONOGHUE AND JOHN
O'DONOGHUE MARITAL TRUST, LYME COMPANY,
FRANKLIN B. KIRKBRIDE, INC., KIRKBRIDE ASSET
MANAGEMENT, INC., TOCQUEVILLE ASSET
MANAGEMENT, LP, ROTHSTEIN KASS, STUART
BENDER, PREMIER FOODS, INC., FIFTH AVENUE
ICE CREAM, INC., CONEY ISLAND HOT DOGS, INC.,
VINCENT BONOMO, FRANK BONANNO, THEODORE
J. VITTORIA, JR., VITTORIA & PURDY LLP.

Defendants

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11-14-05

Case No. 05 CV 7110

scf
HB

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by the undersigned, counsel for Plaintiff, NATIONAL CASUALTY COMPANY ("NATIONAL CASUALTY"), and counsel for Defendant Tocqueville Asset Management, LP, ("TOCQUEVILLE") that all claims alleged in Plaintiff's Complaint shall be dismissed *without prejudice* as to Defendant TOCQUEVILLE, by reason of TOCQUEVILLE'S dismissal without prejudice from the underlying action. NATIONAL CASUALTY'S claims against

TOCQUEVILLE can be reinstated in this action if TOCQUEVILLE again becomes a

party in the underlying or for any other reason as justice permits.

but only by further order of this Court

NATIONAL CASUALTY COMPANY

By its attorney,

Amie R. Pelletier

Amie R. Pelletier (#4181)

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-And-

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Date:

TOCQUEVILLE ASSET
MANAGEMENT, LP

By its attorney,

Mark J. Hyland

Mark J. Hyland

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Nov. 1, 2005

FILED:
Harold Baer, Jr.
Harold Baer, Jr., U.S.D.J.
Date: 11/10/05

SO ORDERED:
[Signature]
U.S.D.J.